

TC1600

REMSEN

Organization \_\_\_\_\_ Bldg./Room \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Alexandria, VA. 22313-1450

If Undeliverable Return In Ten Days

Official Business

Penalty For Private Use, \$300

AN EQUAL OPPORTUNITY EMPLOYER

RETURNED FOR  
BETTER ADDRESS



UNITED STATES POSTAGE  
U.S. OFFICIAL MAIL  
PENALTY FOR  
PRIVATE USE \$300  
PITNEY BOWLS  
02 1A  
0004204034  
MAILED FROM ZIP CODE 22314

\$ 00.37<sup>0</sup>

FEB 07 2005

RECEIVED

FEB 11 2005

TECH CENTER 1600/2900



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FEB - 7 2005

KEVIN M. FARRELL  
PIERCE ATWOOD  
ONE NEW HAMPSHIRE AVENUE  
SUITE 350  
PORTSMOUTH NH 03801

In re Application of :  
Minzhen Xu et al :  
Serial No.: 10/054,387 : SUSPENSION OF ACTION  
Filed: January 22, 2002 :  
Attorney Docket No.: REH-2011 :

This is in response to the petition under 37 CFR 1.103, filed January 18, 2005, to suspend prosecution of the above identified application for six months.

Applicants seek suspension of the prosecution on this application for a period of six months because of a applicants' intention to file a reissue application to correct an error identified in the instant application.

#### BACKGROUND

This application was filed January 22, 2002, and has been examined. Applicants have responded to the Office action mailed June 17, 2004.

#### DISCUSSION

37 CFR 1.103. Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in 1.17(I). Action will not be suspended when a reply by applicant to an Office action is required.

M.P.E.P. 709 relates to suspension of action in an application. 37 CFR 1.103 permits the Office to suspend action upon petition by applicants for **good and sufficient cause** (emphasis added). Applicants state that they intend to file a reissue application on the patented parent of the instant application to correct an error pointed out during prosecution of this application. Applicants are concerned that the issue being prosecuted in two parallel proceedings may result in inconsistent determinations.


The intent to file a reissue application is not considered a good or sufficient reason for suspension of prosecution since there is no guarantee that a reissue application will be filed.

Further, each application must stand on its own merits and correction of errors relates only to the application in which the error occurs. It is entirely possible that similar errors occur in related pending or issued applications and that correction thereof is similar. Correction of an error discovered in a patent is also governed by different rules than correction of errors in an application and even when addressed by the same examiner may have different results.

#### DECISION

**The petition to suspend action is DENIED.** Applicants have not presented a "A good and sufficient cause" warranting suspension of action by the examiner.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number 571-273-8300.

  
Jasmine C. Chambers  
Director, Technology Center 1600